



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,693	01/26/2004	Jian Chen	SAND-01010US0	1419

64948 7590 06/11/2007
VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105

EXAMINER

TRAN, ANDREW Q

ART UNIT	PAPER NUMBER
----------	--------------

2824

MAIL DATE	DELIVERY MODE
-----------	---------------

06/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,693	Applicant(s) CHEN, JIAN	
	Examiner Andrew Q. Tran	Art Unit 2824	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-14,17-20 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 6-8,15,16 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Abstract

The abstract of the disclosure is objected to because:

At line 3, "adjacent the word" should be changed to --adjacent word--; and at line 4, --the-- should be added after "written after".

Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 9-11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Specifically claims 9 and 10 merely repeat the steps already recited in independent claim 1 (eg. step of determining, or step of reading a selected bit).

Claims 1-3, 7, 13-18, 21, 25-26, 28 and 31 are objected to because of the following informalities:

In claim 1, line 1, --a-- should be added after "reading"; at line 5, --has-- should be added after "word line"; and at line 7, "a" (1st occurrence) should be changed to --the--. In claim 2, line 1, "the sense" should be changed to --a sense--. In claim 3, line 1, --selected-- should be added

Art Unit: 2824

before “bit”. In claim 7, line 2, --selected-- should be added before “bit”. In claim 13, line 1, --an adjacent word line-- should be added after “reading”. In claim 14, line 2, “the” (1st occurrence) should be changed to --a--. In claim 15, line 2, “the” (1st occurrence) should be changed to --a--. In claim 16, line 2, “the” (both occurrence) should be changed to --a--.

In claim 17, line 1, --a-- should be added after “reading”; and at line 7, “check value” should be changed to --check voltage--. In claim 18, line 1, “the sense” should be changed to --a sense--. In claim 21, line 2, “the” should be changed to --a--.

In claim 25, line 9, “check value” should be changed to --check voltage--. In claim 26, line 2, “the” should be changed to --a--. In claim 28, line 2, “the” should be changed to --a--. In claim 31, line 2, “a” (2nd occurrence) should be changed to --the--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 is incomplete as failing to recite the interconnections between claimed elements/features. That is, the elements “an array of multi-state memory cells” (claim 25, line 3) and “a controller” (claim 25, line 4) are not interconnected with each other or to other elements. It is suggested to use terms such as --connected to-- or --coupled to-- to satisfy the requirements.

Furthermore, claim 32 is indefinite as reciting numerous “means plus function” elements, which are not clearly described in the specification. Applicant is required to clarify these “means plus function” vis-à-vis current specification and drawings.

Art Unit: 2824

Applicant has not addressed these 112 issues in Amendment filed March 27, 2007.

Claim Rejections - 35 USC § 102

Claims 1-5, 9-14, 17-20, 24-27 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosono et al. (US Pat 6,999,344 hereafter "Hosono"). See also Office Action mailed September 27, 2006, p. 6.

Applicant has sworn behind Hosono by filing a Declaration under 37 CFR 1.131 on March 27, 2007 (hereafter "Declaration"). However said Declaration is improper to overcome the reference, as per 37 CFR 1.131(a)(1), because the pending application and the reference patent both claim the same invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Q. Tran whose telephone number is (571) 272-1885. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard T. Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Q Tran
Primary Examiner
Art Unit 2824

at
June 04, 2007